

## RULE

### Department of Environmental Quality Office of Solid and Hazardous Waste Solid Waste Division

#### Ditches and Air Curtains (LAC 33:VII.Chapters 1, 3, and 7) (SW018)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Solid Waste Division regulations, LAC 33:VII.Chapters 1, 3, and 7 (SW018).

The rule modifies the definitions of "ditch" and "woodwaste," exempts some ditches from the requirements of solid waste permitting, extends the compliance dates for solid waste facility upgrades and financial assurance, and provides regulations for portable air curtain destructors as required by R.S. 30:2154(D).

#### Title 33

### ENVIRONMENTAL QUALITY

#### Part VII. Solid Waste

#### Subpart 1. Solid Waste

### Chapter 1. General Provisions and Definitions

#### §115. Definitions

For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

\* \* \*

[See Prior Text]

*Ditch*—an earthen trench or excavation principally used to convey wastewaters without regard to whether solids settling or treatment of wastewater occurs therein.

\* \* \*

[See Prior Text]

*Type III Facility*—a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (a separation facility). Residential, commercial, or industrial solid waste must not be disposed of in a Type III facility.

\* \* \*

[See Prior Text]

*Woodwaste*—yard trash and types of waste typically generated by sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, wood-fired boiler ash, and plywood or other bonded materials that contain only phenolic-based glues or other glues that are approved specifically by the administrative authority. Treated or painted lumber is not considered woodwaste under this definition.

\* \* \*

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22: (April 1996).

### Chapter 3. Scope and Mandatory Provisions of the Program

#### §301. Wastes Governed by These Regulations

All solid wastes as defined by the act and these regulations are subject to the provisions of these regulations, except as follows:

\* \* \*

[See Prior Text in A-B.4.b]

c. solids or sludges in ditches are exempt from the definition of solid waste until such time as such solids or sludges are removed from the ditches for disposal, provided however, that this exclusion from the definition of solid waste only applies to solids and sludges derived from wastewaters described in Subsection B.4.a and b of this Section.

\* \* \*

[See Prior Text in B.4.d-6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22: (April 1996).

#### §305. Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of these Regulations

The following facilities that are operated in an environmentally sound manner are not subject to the

permitting requirements or processing or disposal standards of these regulations:

\* \* \*

[See Prior Text in A-I.6]

J. ditches that receive nonroutine spillage (i.e., do not routinely receive solid waste except for de minimus spillage) from manufacturing or product storage areas within an industrial establishment. This exemption does not include ditches for solid waste disposal units such as landfills, landfarms, or surface impoundments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22: (April 1996).

### **§315. Mandatory Provisions**

All persons conducting activities regulated under these regulations shall comply with the following provisions:

\* \* \*

[See Prior Text in A-G.1.a]

b. Existing Type I landfills and Type I landfarms shall be upgraded in accordance with these regulations no later than December 31, 1997.

#### **2. Existing Type II Landfills**

a. Permit holders of existing Type II landfills operating under a standard permit must submit to the Solid Waste Division, no later than August 1, 1994, a mandatory modification document to address these regulations.

b. Except as provided in Subsection G.2.c of this Section, existing Type II landfills shall be upgraded in accordance with these regulations no later than December 31, 1997.

\* \* \*

[See Prior Text in G.2.c-3.a]

b. Existing Type I, Type I-A, Type II, and Type II-A facilities shall be upgraded in accordance with these regulations no later than December 31, 1997.

4. Financial Assurance. Existing Type I facilities that are owned or operated by local governments must comply with the financial assurance requirements in LAC 33:VII.727 no later than August 1, 1996. Existing Type II only or Type III facilities that are owned or operated by local governments must comply with the financial assurance requirements in LAC 33:VII.727 no later than April 9, 1997. All other facilities must comply by February 20, 1995.

5. Units of existing Type II landfills which are not upgraded in accordance with these regulations must cease accepting waste and complete closure on or before December 31, 1997.

\* \* \*

[See Prior Text in G.6-R.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22: (April 1996).

## **Chapter 7. Solid Waste Standards**

### **Subchapter D. Minor Processing and Disposal Facilities**

#### **§725. Separation and Woodwaste Processing Facilities (Type III)**

\* \* \*

[See Prior Text in A-B.1.a.vi]

vii. The annual report for portable air curtain destructors shall identify the site and quantity of solid waste processed at each individual site.

\* \* \*

[See Prior Text in B.1.b-D.2.a]

b. All remaining waste shall be removed to a permitted facility for disposal or properly disposed of on-site as provided for in LAC 33:VII.305.H.

\* \* \*

[See Prior Text in D.2.c-3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), LR 22: (April 1996).

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